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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MICHAEL OROZCO, on behalf of himself and all others similarly situated,

Plaintiff,

vs.

NETFLIX, INC., WAL-MART STORES, INC., and WALMART.COM USA LLC,

Defendants.

Case No. 09-cv-0297 MEJ

ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE RELATED

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TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Local Rule 3-12, Plaintiff Michael Orozco submits this administrative motion for the Court to consider whether *Michael Orozco v. Netflix, Inc., et al.*, Case No. 09-cv-0297 MEJ, a putative class action lawsuit filed on January 22, 2009, should be related to *Andrea Resnick, et al. v. Walmart.com USA LLC, et al.*, Case No 09-cv-0002, filed on January 2, 2009, the low-numbered action also pending in this District. That action has been assigned to the Honorable Phyllis J. Hamilton. In addition to the *Resnick* action, other related actions pending in this District are *Michael O'Connor v. Walmart.com USA LLC, et al.*, Case No. 09-cv-0096; *Sarah Endzweig v. Walmart.com USA LLC, et al.*, Case No. 09-cv-0111; *Christopher P. Schmitz v. Walmart.com USA LLC, et al.*, Case No. 09-cv-0116; *Scott Lynch, et al. v. Walmart.com USA LLC, et al.*, Case No. 09-cv-0138; *Jonathan Groce, et al. v. Netflix, Inc. et al.*, Case No. 09-cv-0139; *Liza Sivek v. Walmart.com USA LLC, et al.*, Case No. 09-cv-0156; *Armond Faris v. Netflix, Inc., et al.*, Case No. 09-cv-0180; *Suzanne Slobodin v. Netflix, Inc., et al.*, Case No. 09-cv-0225; *Katherine M. Anthony, et al., v. Walmart.com USA LLC, et al.*, Case No. 09-cv-0236; *Melanie Polk-Stamps v. Netflix, Inc.*, Case No. 09-cv-0244; and *Cathleen Chapman v. Netflix, Inc.*, Case No. 09-cv-0294.

The *O'Connor, Endzweig, Schmitz, Lynch,* and *Groce* actions were ordered related to the *Resnick* action on January 16, 2009. The *Sivek*, *Faris,* and *Anthony* actions were ordered related to the *Resnick* action on January 26, 2009. All of these related actions have been assigned to the Honorable Phyllis J. Hamilton. The *Slobodin, Polk-Stamps,* and *Chapman* actions have not been related to the *Resnick* action as of the filing of this Administrative Motion.

These actions involve substantially the same transactions, events, questions of law, and allege essentially the same violations of federal antitrust law against substantially the same Defendants. The suits allege that Defendants conspired to allocate the market for DVD rentals, agreed not to compete in that market, and that Netflix monopolized the DVD rental market. Defendants' actions are alleged to have harmed consumers who were Netflix subscribers by causing them to pay more for their subscriptions than they would have paid absent Defendants' illegal market allocation agreement.

It appears likely that there will be an unduly burdensome duplication of labor and expenses and potentially conflicting results if the cases are heard before different judges.

Given the similarities of these actions, assignment of these cases to a single Federal District Court Judge will conserve judicial resources and promote efficient determination of the actions while avoiding potentially conflicting results. All thirteen cases pending in this District are at a preliminary stage and, thus, assignment to a single judge would not prejudice any of the parties. Accordingly, Plaintiff Michael Orozco respectfully requests that the action entitled *Michael Orozco v. Netflix, Inc., et al.* be deemed related to *Andrea Resnick, et al. v. Walmart.com USA LLC, et al*., the first filed case in this District, which is presently assigned to the Honorable Phyllis J. Hamilton.

DATED: January 26, 2009 Respectfully submitted,

By: _______*/s/ Alex C. Turan*_________________

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